

12:04 pm, Oct 21, 2021

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Online Publication Only

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JOSEPH A. COUSIN,

Plaintiff,

-against-

COUSIN BROTHERS, L.L.C.,
ALAN J. COUSIN, MURA S. COUSIN,

Defendants.

ORDER

21-cv-03506 (JMA) (JMW)

-----X

AZRACK, United States District Judge:

Pending before the Court is the October 5, 2021 report and recommendation of Magistrate Judge James M. Wicks that this case be dismissed without prejudice for lack of subject matter jurisdiction. (ECF No. 10.) In reviewing a magistrate judge's report and recommendation, the Court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed. I have reviewed Judge Wicks's R&R for clear error and, finding none, I hereby adopt Judge Wicks's R&R as the opinion of the Court. Accordingly, the case is dismissed without prejudice for lack of subject matter jurisdiction. The Clerk of Court is respectfully directed to enter judgment accordingly and close this case.

SO ORDERED.

Dated: October 21, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE